



SENATE BILL 584: Criminal Law Reform.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 17, 2019
Introduced by:	Sens. Wells, Daniel	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition S584-CSTT-26		Staff Attorney

OVERVIEW: *The PCS for Senate Bill 584 would phase out local ordinances for legislatively regulated criminal offenses, establish a default state of mind for criminal offenses that do not specify the state of mind required, and amend the effective date for a rule that creates a new criminal offense.*

CURRENT LAW AND BACKGROUND:

G. S. 14-4 authorizes counties, cities, towns, and metropolitan sewerage districts to create crimes through local ordinances. Generally, a violation of a local ordinance is a Class 3 misdemeanor).

S.L. 2018-69 required cities and towns that have enacted an ordinance pursuant to G. S. 14-4 to “create a list of applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance” and submit it to the General Assembly by December 2018.

BILL ANALYSIS:

The PCS would:

- Create a sunset provision on the conviction and punishment of a local ordinance.
- Require legislative review of newly created criminal offenses.
- Establish the criminal intent required for any offense without a specified intent.
- Provide the requirements to prove that a person acted "recklessly".
- Provide that no person can be convicted of a crime unless it appears in the Criminal Law Chapter, the Motor Vehicle Chapter, or the Controlled Substance Act of the General Statutes.
- Amend the rule-making procedure to set the effective date of rules that create a new criminal offense on either the 31st legislative day or the day of adjournment of the next regular session, whichever occurs first.

EFFECTIVE DATE: This is effective when it becomes law.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.